

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>BRIAN GORDON,</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	<b>No. 1:17-CV-02175</b>
<b>vs.</b>	:	
	:	<b>(Judge Rambo)</b>
<b>DOC STATE OF</b>	:	
<b>PENNSYLVANIA, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

**AND NOW**, this 12<sup>th</sup> day of December, 2017, in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. All claims set forth against Defendants the Commonwealth of Pennsylvania, the Pennsylvania Department of Corrections, and SCI-Rockview are **DISMISSED with prejudice** because any such amendment would be futile;
2. All claims set forth against Defendants G. McMahon and M. Houser are **DISMISSED without prejudice** and with leave to amend;
3. Plaintiff is granted leave to file an amended complaint within twenty (20) days from the date of this Order. If Plaintiff elects to file an amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the original complaint or any other documents already filed. The amended complaint should set forth Plaintiff's claims in short, concise and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The amended complaint should specify which actions are

alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims. Importantly, should Plaintiff elect to file an amended complaint, he must re-plead every cause of action in the amended complaint that the Court has found to be adequately pled in the current complaint because the amended complaint will supercede the original complaint. See Knight v. Wapinsky, No. 12-CV-2023, 2013 WL 786339, at \*3 (M.D. Pa. March. 1, 2013) (stating that an amended complaint supercedes the original complaint). Because an amended complaint supercedes the original pleading, all causes of action alleged in the original complaint which are not alleged in an amended complaint are waived. Id. (citations omitted); and

4. The Court will defer service of the complaint for twenty (20) days. If Plaintiff files an amended complaint, it will supercede the original complaint as set forth above. If Plaintiff fails to file an amended complaint within twenty (20) days of the date hereof, the Court will direct service of the original complaint on the remaining Defendant.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge